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Duane Morris, LLP
IP Department
One Liberty Place
Philadelphia, PA 19103-7396

JAN 24 2005

In re Application of:	:	
Chuan-Chieh Huang et al.	:	DECISION ON PETITION TO
Serial No.: 10/055,095	:	WITHDRAW THE HOLDING
Filed: January 23, 2002	:	OF ABANDONMENT
Attorney Docket No.: TSO1-614	:	

This is a decision on the petition to withdraw the holding of abandonment of the above-identified application under 37 C.F.R. § 1.181 filed on May 20, 2004. There is no fee for this petition.

The petition is **GRANTED**.

The application was held abandoned for failure to file a proper response to the Office action mailed on September 10, 2003. A Notice of Abandonment was mailed on April 8, 2004.

Petitioner asserts that a response to the Office action was timely filed on February 12, 2004. To support this assertion, petitioner has submitted a copy of the response and a copy of a stamped return postcard which identifies and acknowledges receipt of the response by the Patent and Trademark Office (PTO) on February 12, 2004. Although the transmittal form for the response and the postcard incorrectly lists the Serial No. as 10/055,059 instead of 10/055,095, the other information such as the inventive entity and the filing date are correct on the transmittal form (the postcard lists the incorrect inventive entity but the correct filing date). The combination of information should have been sufficient to match the response to the appropriate application file. The response of February 12, 2004 would have been a timely response to the Office action of September 10, 2003 since it was filed with a petition and fee for a two-month extension of time and included a Certificate of Mailing dated February 10, 2004. See 37 C.F.R. §§ 1.136 and 1.8.

A review of the application file record reveals that the above-identified response having been acknowledged as being received in the PTO on February 12, 2004 was originally matched with S.N. 10/055,059 but later matched with the intended S.N. 10/055,095. Although there was no separate "petition" for extension of time and such was not listed on the postcard, the listing under additional fees on the transmittal form of an (e)xtension for reply within second month,

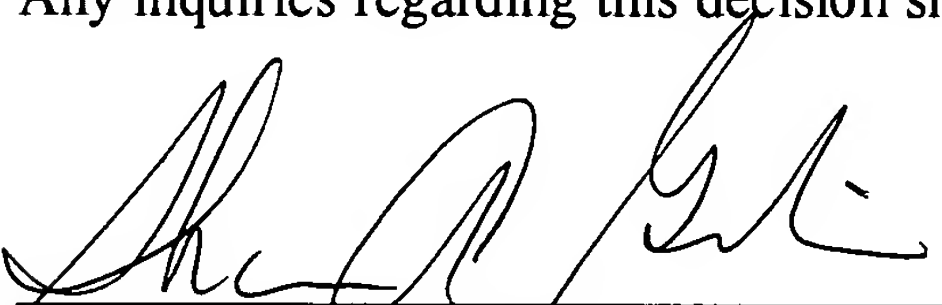
plus the authorization to charge the given Deposit Account Number for the associated fee and any additional fee(s), is being accepted as a "petition" and "fee" for the extension of time.

For the above stated reason, the petition is granted. The Notice of Abandonment mailed April 8, 2004 is hereby **VACATED** and the holding of abandonment is withdrawn. The status of the application will be changed and the examiner will be notified to resume prosecution.

PTO records indicate that the \$420.00 fee for the two-month extension of time (not \$410.00 as listed on the transmittal sheet) was charged to correct Deposit Account No. 190033 but associated with incorrect Serial No. 10/055,059. The authorization for the fee was received on February 12, 2004 and posted on February 17, 2004. The correction will be made to associate this fee with Serial No. 10/055,095.

It is noted that the present petition, similar to the postcard, incorrectly lists the inventive entity. The petition lists the inventive entity as "Chieh, L.C. et al" while the postcard lists the inventive entity as Chieh, H.C. et al." The correct inventive entity is Huang, Chuan-Chieh et al. or Chuan-Chieh Huang et al. Applicant is requested to ensure that any future paper submitted for the present application correctly lists the correct inventive entity as well as the correct Serial Number and filing date. Applicant is also encouraged to include a separate written petition for any future desired extension of time. A proper petition may be a mere sentence as indicated in MPEP section 710.02(e).

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.



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